

REMARKS

In the Office Action mailed April 19, 2007, the Examiner took the following action: (1) rejected claims 11-20, 31, and 32 under 35 U.S.C. §101, because the claimed invention is directed to non-statutory subject matter; and (2) rejected claims 1-3, 10-21, 27-29, 31, and 33 under 35 USC §102(b) as being anticipated by Yuen (U.S. 5,949,914). The Examiner acknowledged, however, that claims 4-9, 22-27, and 30 would be allowable if rewritten to include the limitations of their respective base and intermediate claims. Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

I. 35 U.S.C. §101

Claims 11-20, 31, and 32 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. As suggested by the examiner, independent claims 11 and 31 have been amended to recite in part: "A computer-readable medium embodied with a computer program for . . ." Therefore, Applicants request reconsideration and withdrawal of the rejections to claims 11-20, 31, and 32 under 35 U.S.C. §101.

II. Allowable Subject Matter

Without additional comment and without prejudice as to the merits of the Examiner's rejections, Applicants have amended claims in order to expedite the issuance of the subject matter acknowledged as being allowable, and without prejudice to the filing of subsequent divisional or continuation applications to pursue allowance of one or more of the rejected claims.

Claim 4 has been amended to include the limitations of claim 1, which is allowable based on the above comment. Claims 5-8 depend from claim 4. Accordingly, claims 4-8 are now in condition for allowance.

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Claim 22 has been amended to include the limitations of claim 21, which is allowable based on the above comment. Claims 23-26 depend from claim 22. Accordingly, claims 22-26 are now in condition for allowance.

Claim 30 has been amended to include the limitations of claim 29, which is allowable based on the above comment. Therefore, Applicants respectfully submit that claim 30 is now in condition for allowance.

III. 35 USC §102(b)

On page 4 of the Office Action, the Examiner rejected claims 1-3, 10-21, 27-29, 31, and 33 under 35 USC §102(b) as being anticipated by Yuen (U.S. 5,949,914).

Claim 1, as amended, recites in part:

“A method for sharpening one or more bands of sensor data, the method comprising . . . *converting the received blue, green, red, near-infrared, and panchromatic bands of data to power-format . . .*” (emphasis added)

Claim 11, as amended, recites in part:

“A computer-readable medium embodied with a computer program for sharpening one or more bands of sensor data in the visual spectrum, the computer program product comprising . . . computer program code means for *converting the received blue, green, red, near-infrared, and panchromatic bands of data to power-format . . .*” (emphasis added)

Claim 14, as amended, recites in part:

“A computer-readable medium embodied with a computer program for sharpening one or more bands of sensor data in the visual spectrum, the computer program product comprising . . . computer program code means for *converting the received blue, green, red, near-infrared, and panchromatic bands of data to power-format . . .*” (emphasis added)

Claim 21, as amended, recites in part:

“A system for sharpening one or more bands of sensor data, the system comprising: a processor coupled to the input interface, the processor including: a . . . component *configured to convert the received blue, green, red, near-infrared, and panchromatic bands of data to power-format . . .*” (emphasis added)

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Claim 29, as amended, recites in part:

“A method for sharpening one or more bands of sensor data, the method comprising . . . *converting the . . . bands of data to power-format . . .*” (emphasis added)

Claim 31, as amended, recites in part:

“A computer-readable medium embodied with a computer program for sharpening one or more bands of sensor data in the visual spectrum, the computer program product comprising . . . computer program code means configured to *convert the first and second bands of data to power-format . . .*” (emphasis added)

Claim 33, as amended, recites in part:

“A system for sharpening one or more bands of sensor data, the system comprising: a processor coupled to the input interface, the processor including: a . . . component configured to *convert the first and second bands of data to power-format . . .*” (emphasis added)

Yuen fails to disclose, teach, or fairly suggest the method or computer readable medium or system recited in claims 1, 11, 14, 21, 29, 31, and 33. Specifically, Yuen fails to teach or fairly suggest a method or computer readable medium or system that “converts bands of data to power-format” as recited in claims 1, 11, 14, 21, 29, 31, and 33.

Furthermore, with respect to claims 14 and 32, the Office Action has failed to state how Yuen discloses the subject matter contained therein. Thus, the Office Action failed to make a Prima Facie case that claims 14 and 32 are not patentable.

Accordingly, claims 1, 11, 14, 21, 29, 31, and 33 are now in condition for allowance. Claims 2, 3, 9, and 10 depend from claim 1 and are thus allowable over the cited references at least due to their dependencies on claims 1. Claims 12, 13, 19, and 20 depend from claim 11 and are thus allowable over the cited references at least due to their dependencies on claims 11. Claims 15-18 depend from claim 14 and are thus allowable over the cited references at least due

to their dependencies on claims 14. Claim 32 is dependent on claim 31 and is thus allowable over the cited references at least due to its dependency on claim 31.

IV. Specification

The specification has been amended to update the section titled "Copending Applications. No new matter has been added.

CONCLUSION

Applicants respectfully submit pending claims 1-33 are now in condition for allowance. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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